

Remarks

Claims 1-12 and 21 are pending. By this Amendment, claims 1, 8, and 21 have been amended. No new matter is believed added.

Claims 1-4, 8, and 21 are rejected under 35 U.S.C. § 102(b) over Merchant (U.S. Patent No. 5,412,241). Claims 5 and 9 are rejected under 35 U.S.C. § 103(a) over Merchant in view of Letavic et al. (U.S. Patent No. 6,310,378). Claims 6 and 10 are rejected under 35 U.S.C. § 103(a) over Merchant in view of Seeds et al. (U.S. Patent No. 3,936,858). Claims 7 and 11 are rejected under 35 U.S.C. § 103(a) over Merchant. Claim 12 is rejected under 35 U.S.C. § 103(a) over Merchant, Seeds and Shirahata et al. (U.S. Pub. No. 2002/0175380).

Applicants assert that the rejections under 35 U.S.C. § 102(b) are defective because Merchant fails to teach or suggest each and every feature of the claimed invention as required by 35 U.S.C. § 102(b). The remaining references fail to remedy the deficiencies of Merchant.

In the above-referenced Office Action, the Examiner alleges that Merchant discloses the claimed "second gate oxide formed over a portion of the first gate oxide," and asserts that "(G2) can be considered the second gate oxide (For Example: See Marked Up Figure 1)."

It should be noted that this rejection is incomplete because a marked up copy of FIG. 1 of Merchant has not been provided by the Examiner in the above-referenced Office Action. Further, the reference "G2" does not appear anywhere in FIG. 1 of Merchant. As such, it is not clear which layer of Merchant is being referred to by the Examiner. Clarification of the rejection is requested.

It should also be noted that in the Office Actions of December 19, 2002, May 14, 2003, and November 18, 2003, the Examiner stated that Merchant did not disclose the claimed "second gate oxide." Now, the Examiner alleges that Merchant does indeed disclose this claim feature.

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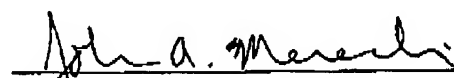
Applicants respectfully object to this inconsistent analysis of Merchant, and the resultant unnecessary delay and expense to Applicants.

Regarding independent claim 1, Merchant fails to teach or suggest, among other features, a "second gate oxide formed over a portion of the first gate oxide that contacts, and is located directly above, a drift region of the silicon layer." Regarding independent claim 8, Merchant fails to teach or suggest, among other features, a "second gate oxide formed over a portion of the first gate oxide that is located between the top oxide layer and the body region, and that contacts, and is located directly above, the drift region of the silicon layer." Regarding independent claim 21, Merchant fails to teach or suggest, among other features, a "second gate oxide formed over a portion of the first gate oxide, wherein the second gate oxide and the first gate oxide form a stepped oxide region that contacts, and is located directly above, the drift region of the silicon layer." On the contrary, Merchant discloses a structure similar to that depicted in the related art FIGS. 1 and 2 of the present patent application.

In light of the above, Applicants submit that all pending claims are in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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